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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,418	04/12/2001	Sarah D. Redpath	RSW920000176US1	1623
48816	7590	07/12/2005	EXAMINER	
VAN LEEUWEN & VAN LEEUWEN			AMINI, JAVID A	
P.O. BOX 90609			ART UNIT	
AUSTIN, TX 78709-0609			PAPER NUMBER	
			2672	
DATE MAILED: 07/12/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,418

Applicant(s)

REDPATH ET AL.

Examiner

Javid A. Amini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

Applicant's arguments filed 4/11/2005 have been fully considered but they are not persuasive.

Applicant on page 10 of remarks discloses the Examiner cancelled the scheduled interview, and the previous Examiner interviews were conducted on June 16, 2003 (see page 10, line 11 of remarks) and February 24, 2004.

- Examiner's reply: Examiner does not remember the scheduled interview, cannot provide any comments (Applicant may fax a copy of "Applicant initiated interview request form" i.e. PTOL-413A, to Examiner at 571-273-7654). Regarding the previous Examiner interviews were conducted on June 22, 2004 not on June 16, 2003 (see page 10, line 11 of remarks) and February 24, 2004. The discussion of the mentioned interviews was about the claim language in claim 1. Examiner on the interview summary dated June 22, 2004 explicitly requested to amend the claim language to describe what is claiming in figs. 1 and 2 of the specification. Also Examiner provided suggestions on previous office action dated 1/11/2005, since the claim languages are claiming the claim invention broadly. Applicant should specify the significance of creating graphical objects. Applicant should specify how do the graphical objects form? Is it by detecting simultaneously the detail specifications of e.g. hardware/software? Examiner does not see any reply to the two questions underlined above!

On the same page Applicant disagrees with the Examiner's assertion that Applicants' claims, as currently presented are "too broad".

- Examiner will be reviewing the subject matter of the independent claim 1 line-by-line, see below.

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Applicant on page 10 under claim rejection 35 U.S.C. 112 argues the terms “non-spatially distinguishable” has been discussed with Examiner in a previous Examiner interview.

- Examiner’ reply: The term “non-spatially distinguishable” was not specifically used in the specification, but now that Applicant provided the definition of it and added it to the specification, the rejection under 35 U.S.C. 112 first paragraph has been withdrawn. The definition of the term “non-spatially distinguishable” was added into the specification on page 13, line 15 is as follows: the objects shown in Figures 1 and 2 are distinguishable from one another due to display attributes that are not based on the space used to display the objects. In other words the various layers of objects are displayed using non-spatially distinguishable display attribute, such as color hues color values, color saturation, size, three dimensional images, animation, shading, fill patterns, line patterns, line weights, opaqueness, transparency, shape, and object anomaly.

Applicant on page 11, second paragraph under claim rejection 35 U.S.C. 102 argues no copyright or publication date appears on the photocopied materials provided to Applicant, and Applicant is unable to ascertain whether the cited reference is in fact prior art to Applicant’s claimed invention i.e. “Mastering Windows 3.1 Special Edition” refers as a MW3.

- Examiner’s reply: Examiner disclosed the cover page of the reference, and believed that any person skill in the art specially in the computer environments (e.g. current invention) will know that Windows 3.1 was used by public between approximately 1988-1992. On other hand, a person skill in the art would find this reference by typing the title of the reference from any search engine on Internet. See the example below:

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mastering windows 3.1 special edition

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Mastering Windows 3.11 Special Edition - \$8.00 - Abebooks

Mastering Windows 3.1 (Special Edition) - \$31.11 -

RSeTerminal Online Bookstore

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Barnes & Noble.com - **Special Edition Using Microsoft Access 2002**

The date of the reference MW3 is copyrighted on 1993 by SYBEX Inc. A copy of this page is enclosed.

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Applicant on page 11, last paragraph refers Examiner to read MPEP 2131, and argues that the cited reference simply fail to teach each element as set forth in Applicant's claims.

➤ Examiner's reply: The elements of the claim are as follows:

- Selecting one or more objects to be displayed in a plurality of layers; the broad language in this part is the word "layers" that is not defined in the claim to establish what type of layers Applicant claims. Therefore, Examiner interprets layers with directory and subdirectory. The subdirectory is broadly considered as a sub layer or sub level or layers of main directory or another layer or level. MW3 on page 105 fig. 4.2 illustrates a method of displaying layered data (i.e. main directory and subdirectory) in the left side of the figure and illustrates a layer (main directory) in the right side of the figure.
 - Question: Which one of the limitations in the first three lines of claim 1 does not cover by the reference MW3?
- Identifying a plurality of non-spatially distinguishable display attributes, wherein one or more of the non-spatially distinguishable display attributes corresponds to each of the layers; Examiner's interpretation: Applicant interprets the term "non-spatially distinguishable" as color hues, color values, color saturation, size, three dimensional images, animation, shading, fill patterns, line patterns, line weights, opaqueness, transparency, shape, and object anomaly. MW3 in fig. 4.3 and on page 107, last paragraph teaches that the first level (e.g. main directory) has a plus sign in them. The second layer (e.g. subdirectory) has no sign. The plus indicates that there are additional levels or subdirectories attached to the main directory,

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and a no sign indicates that there is no sub level or layer or subdirectory under that layer. The plus and no signs are considered to be fill pattern, line pattern, shape and object anomaly. A person skill in the art would have easily identified between the first layers from the second layers.

- Question: What limitation in this part of the claim does Applicant believe the reference does not cover it?
- Matching each of the objects to one of the layers; MW3 on pages 108-109 in fig. 4.3 illustrates that every time you select a directory (e.g. first layer), its contents (as directories, e.g. second layer) are displayed in the directory-contents side of the window. In fig. 4.3 the plus signs are the first layer and the layer indicates with no sign.
- Applying the non-spatially distinguishable display attributes corresponding to the layer for each of the matched objects; A person skill in the art can create directory as a first layer (with a plus sign) and a subdirectory as a second layer (with no sign) by applying the e.g. line patterns or fill patterns or shapes.
- determining a layer order for the plurality of layers, wherein the layer order determines a display corresponding to the objects from the plurality of objects in the corresponding layers; MW3 again in fig. 4.3 determines a graphic object with a plus sign is a directory with additional subdirectories, and a graphic object with no sign has no further sub levels or layers.
- Displaying the objects with the applied non-spatially distinguishable display attributes based upon the determination wherein the objects in a first layer from

the plurality of layers are visually distinguished from the objects in the other plurality of layers based upon the non-spatially distinguishable display attributes of the first layer. This part of the claim is repeating from the previous parts of the claim, because claims displaying the objects. In fig. 4.3 displays the graphical objects with applied non-spatially distinguishable display attributes. An ordinary person would have been distinguished the layers with plus sign from the graphical objects in the layers with no sign in fig. 4.3.

Applicant on page 13, lines 18-24 argues that the icons (e.g. graphical objects) within a particular directory cannot be used to differentiate one subdirectory from another because each may have the same files.

- Examiner's reply: MW3 on pages 112-113 illustrates under ICON (i.e. graphical objects) with different attributes, e.g. on page 112 at the bottom of the page illustrates an icon with fill, lines, color and shape patterns, and on page 113 at top of the page illustrates shape patterns that represents document files and symbol pattern represents system or hidden files and all other files represents with just a rectangular shape.

Applicant on page 14 at top of the page argues that no display emphasis is taught or suggested so that the objects in the selected directory are distinguished from objects in another directory.

- Examiner's reply: This is inherent in MW3, because an ordinary person skill in the art would have been opened another file manager on the same windows and displaying objects from different directory.

Applicant on the same page in second paragraph argues layers based upon the non-spatially distinguishable display attributes of the first layer are not event discussed in the office action.

- Examiner's reply: Refer to the pervious replies.

Applicant on the same page in second paragraph argues that in fig. 4.2 on page 1.05 does not even show displaying both layers.

- Examiner's reply: By looking at fig. 4.2, Examiner can see 123book, 123w, bats, collage, cursor, dbase as a first layer because they are located on root directory, and the subdirectories are considered as a second layer e.g. archive, addins, graphics, sheetico, work, because they are located in different location than the first layer.

Examiner's comments: the summary of the present invention is about group of objects that can be categorized by layers and the individual layers can be displayed using display attributes (i.e. color, shape, pattern, hue, etc.) that identify a particular layer. The user can manipulate the layers in order to have a certain group of objects displayed in a particular layer. The MW3 offers a special class of icon, called a group icon, is used to represent a collection of programs that a user decides to group together for convenience. As you see in Chapter 2, the program Manager uses group icons to help a user organize his programs. The user will have at least five group icons-- Main, Accessories, Startup, Main, and Games—within the program manager window. The two types of windows e.g. Application windows and Document windows that Application windows contain its owned files and similar with the Document windows see MW3 pages 11-12.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, and 9-19 rejected under 35 U.S.C. 102(b) as being anticipated by

Mastering Windows 3.1 special edition (hereinafter referred as a MW3).

1. Claims 1, 9 and 13.

MW3 on page 105 fig. 4.2 illustrates a method of displaying layered data. MW3 on the same page selected a root directory object and displayed in a plurality of subdirectories (layers). MW3 on pages 112-113 illustrates graphical objects (icons with different attributes: size, shape, texture, text, symbol) to identify a plurality of non-spatially distinguishable display attributes, wherein one or more of the non-spatially distinguishable display attributes corresponds to each of the layers. MW3 on pages 112-113 illustrates different icons, which match each of the objects to one of the layers. MW# on page 119 in fig. 4.8 illustrates four type of layers (as file type), the files with an extension of .hlp considers a layer of help files which represented by graphical objects (icons) with display attributes corresponding to the layer for each of the matched objected. MW3 on page 105 in fig. 4.2 illustrates root directory, subdirectories and directory contents as for determining a layer order for the plurality of layers, wherein the layer order determines a display corresponding to the objects from the plurality of objects in the corresponding layers. MW3 on page 105 in fig. 4.2 illustrates directory and subdirectories. For example: to create a directory (can be called layer) in windows environment is inherent, because a person skill in the art would have called a new directory as HARDWARE and storing all files with the same extension (.hlp). The same routine for creating a second directory can be called SOFTWARE and storing all files with the same extension (.exe). The mentioned two directories are considered as two different layers or categories with distinguishable display attributes. Above

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all that a SCANDISK command is inherent. A person skill in the art would have run this command to manage a hard drive. The SCANDISK command goes into error recovery trying to fix the bad clusters by reading them many times and then re-writing and testing them again and mark the bad cluster with a letter B also rearranging the sys files and directories (different layers) with different attributes display a graphical object. The MW3 offers a special class of icon, called a group icon, is used to represent a collection of programs that a user decides to group together for convenience. As you see in Chapter 2, the program Manager uses group icons to help a user organize his programs. The user will have at least five group icons-- Main, Accessories, Startup, Main, and Games—within the program manager window. The two types of windows e.g. Application windows and Document windows that Application windows contain its owned files and similar with the Document windows see MW3 pages 11-12.

Claims 2, 10 and 14.

The limitations in claims 2, 10 and 14 are inherent in the reference MW3.

Claims 3, 12 and 15.

The limitations in claims 3, 12 and 15 are inherent in the reference MW3.

Claims 4 and 16.

The limitations in claims 4 and 16 are inherent in the reference MW3.

Claims 5, 17 and 19.

The limitations in claims 5 and 17 are inherent in the reference MW3.

Claims 6, 11 and 18.

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The limitations in claims 6, 11 and 18 are inherent in the reference MW3. Because on page 155 in fig. 5.3 illustrates choosing your own colors and making up your own colors using windows on page 156 fig. 5.4.

Claims 7 and 17.

The limitations in claims 7 and 17 are inherent in the reference MW3.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JEFFERY BRIES
PRIMARY EXAMINER

Javid A Amini
Examiner
Art Unit 2672

Javid Amini